



US Army Corps  
of Engineers  
Alaska District  
Regulatory Branch (1145b)  
8800 Glacier Highway, Suite 106  
Juneau, Alaska 99801-8079

# Public Notice

Date: January 18, 2002

Identification Number: SPN 2001-13, GP 89-4N

In reply refer to the above Identification Number

---

## REVISION

Special Public Notice 2001-13

General Permit 89-4N

General Permitting Procedure for Floating Houses in  
Navigable Waters of the United States within Alaska

On December 13, 2001, the Alaska District Corps of Engineers published Special Public Notice 2001-13 regarding a General Permitting Procedure (89-4N) for authorization of floating houses in navigable waters of the United States within Alaska.

The purpose of this special public notice is to show revisions made to Special Conditions #1 and #16.

Special Condition #1 which originally read as follows

"The floating house shall be moored outside of navigation channels so that it does not impede or obstruct navigation or otherwise hinder safe access to, and use of, the waterway by the general public. In addition, floating houses shall not be placed in locations that would hinder safe access to, or use of, existing ports, docks, piers, harbors, boat launch ramps, buoys, dolphins, floats, piles, commercial fishing sites, or any other existing structures or facilities within navigable waters. In addition, shoreline and water access on all sides of the floating house shall not be impeded."

Has been revised accordingly

Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

Special Condition #16 was revised, as follows, to include the correct U.S Coast Guard address and phone number:

You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), Seventeen Coast Guard District, Post Office Box 2-5517, Juneau, Alaska 99802-5517; telephone (907) 463-2000.

A copy of the revised General Permit and conditions are attached, for your convenience. This General Permit, unless specifically modified, suspended or revoked, in part or in whole, is in effect until December 13, 2006.

All other information contained in the previous notice remains the same. Please bring this announcement to the attention of anyone you know who is or may be interested. Please contact Ms. Susan J. Hitchcock at (907) 790-4490, if further information is desired concerning this notice. For additional information about our Regulatory Program, visit our web site at [www.poa.usace.army.mil/reg](http://www.poa.usace.army.mil/reg).

District Engineer  
U.S. Army, Corps of Engineers

## GENERAL PERMIT 89-4

### GENERAL PERMITTING PROCEDURE FOR FLOATING HOUSES IN ALASKA

Under the authority of Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. 403), and in accordance with the Department of the Army Regulations (33 CFR Part 320-330), the Alaska District, Corps of Engineers (Corps), hereby issues this general permit (GP) to authorize the moorage of floating houses in navigable waters of the United States (U.S.) within Alaska. Navigable waters of the U.S. are defined as those marine and estuarine waters subject to the ebb and flow of the tide, within the limits of the Territorial Seas and certain inland waters. The Alaska District, Corps, Regulatory Branch maintains a list of navigable inland waters that are covered by this GP procedure.

For the purpose of this GP, a floating house is defined as a building constructed on top of a floating platform, and includes floating camps and floating lodges. Platforms are typically constructed of logs fastened together with a wooden platform on top. However, any other type of floating platform, including steel barges, or other forms of buoyancy may be used. The floating house is generally anchored to the sea-bottom or to rocks or anchors on shore. **Note: Shore ties and anchored mooring buoys require landowner permission.** This GP process is intended to cover both commercial and non-commercial floating houses.

A GP authorization can only be granted after the floating house and its proposed location have been found consistent with the standards of the Alaska Coastal Management Program (ACMP), and by the Alaska Division of Governmental Coordination (ADGC) on a case by case, site-specific basis through the authorization procedure below.

#### SPECIFIC RESTRICTIONS:

This GP does not apply to floating houses or floating camps used in connection with larger projects if such projects were previously authorized by, or would require, an individual Department of the Army (DA) permit. Float houses or floating camps associated with aquaculture projects cannot be authorized through this GP process. Upland uses associated with floating houses or floating camps are not authorized by this GP.

#### TERM:

This GP process, unless specifically modified, suspended or revoked, in part or in whole, is in effect for a period of five (5) years from the date of issuance.

#### AUTHORIZATION PROCEDURE:

Authorization under this GP is contingent upon a finding of consistency with the ACMP by ADGC on a case-by-case basis. The GP process, as it relates to the Consistency Review, will follow the following procedures:

1. A DA permit application, location map, permit drawings and a completed Coastal Project Questionnaire (CPQ), are submitted to the Corps. If the floating house meets the terms and conditions of the GP, a copy of the CPQ and the GP, and a letter stating that the proposed floating house meets the terms and conditions of the GP, will be forwarded to the appropriate ADGC office for the Consistency Review. If the floating house is found consistent with the ACMP, it will automatically be authorized by the GP. ADGC will send the applicant a copy of the GP when it sends the consistency letter, and will furnish a copy of the consistency letter to the Corps. If the proposed floating house is found inconsistent with the ACMP, the GP will not apply and the DA permit will be denied.

If the application for a floating house does not meet the GP, the application will be processed under normal DA permit processing procedures.

2. An application and CPQ are submitted to the Alaska Department of Natural Resources (ADNR) for a Land Use Permit or Tidelands Lease for moorage of a floating house. ADNR will provide the Corps of Engineers with a copy of the CPQ and Land Use Permit or Tidelands Lease application. The Corps will use the information on the ADNR application to determine GP coverage. If additional information is required to make the GP determination, the Corps of Engineers will contact the applicant directly. If the proposed floating house meets the GP terms, the process described in #1 above, will be followed.

If the floating house does not meet the GP, the applicant will be instructed to submit an individual Department of the Army permit application.

#### CONDITIONS:

The following conditions must be met before a floating house can be authorized

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

2. The appropriate regional office of the ADNR, Division of Land and Water Management, shall be contacted prior to the moorage of any floating house in the Territorial Seas of Alaska (within the three mile limit) or within navigable inland waters of Alaska. Authorization under this GP shall become effective only after ADNR issues a Land Use Permit and/or a Tideland Lease for the proposed floating house.

The appropriate regional office or park headquarters of the ADNR, Division of Parks and Outdoor Recreation, shall be contacted prior to any activity within a State Park or State Marine Park.

The appropriate National Park Service, Park Superintendent, shall be contacted in writing 90 days prior to any activity within the National Park, National Historic Landmark, or National Natural Landmark.

The U.S. Department of the Interior, Fish and Wildlife Service Regional Office, Assistant Regional Director for Refuges and Wildlife, 1011 East Tudor Road, Anchorage, Alaska 99503, shall be contacted prior to any activities within National Wildlife Refuges of Alaska.

The appropriate National Forest Headquarters Office shall be contacted prior to the moorage of floating houses in waters adjacent to Chugach or Tongass National Forest lands.

The Bureau of Land Management shall be contacted prior to any activity on Federal lands under it's management/ownership.

The appropriate office of the Alaska Department of Fish and Game shall be contacted prior to any activity within a State Critical Habitat Area, Refuge or Sanctuary.

3. The appropriate regional office of the Alaska Department of Environmental Conservation (ADEC), Division of Environmental Quality, shall be contacted prior to the moorage of any floating house, if there is a need to discharge any pollutant, including greywater or sewage, or if petroleum products would be stored or transferred to, or from, the floating house. Authorization under this GP shall

become effective only after the ADEC issues appropriate authorizations for the proposed floating house, if required, as this GP does not authorize these activities.

4. The floating house shall be adequately secured by anchors and/or shore ties designed and constructed to endure and survive storm conditions and tides. The permittee shall be responsible for the proper maintenance of the floating house and associated fixtures. Debris or derelict structures shall not be disposed or abandoned in waterways or wetlands.

5. The in-water floating house anchors and floatation components shall be free of pollutants that could leak into surrounding waters. Engine blocks, other than machinery, shall not be used as anchors nor shall contaminated barrels/containers be used for floatation.

6. The floating house shall not ground or touch bottom at any time. Consideration shall be given to extreme low tides and low water in non-tidal systems in order to comply with this condition.

7. That each floating house authorized by this GP process shall display the permittee's name and mailing address in a conspicuous place on the structure, with a minimum of three inch lettering.

8. That if the floating house authorized herein is moved or removed from service the anchors, lines and all other associated structures shall also be moved or removed. The permittee shall notify and receive approval from all appropriate State, Federal, and local agencies that require authorization prior to the movement of a floating house to a new location.

9. The maximum total surface area of the floating house platform permitted by this GP shall not exceed 5,000 square feet (maximum length of 100 linear feet)

10. This GP does not convey property rights, either in real estate or material or any exclusive privileges; and it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations.

11. That floating houses shall not be anchored within 330 feet of any Bald Eagle nesting tree.

12. The District Engineer may at any time make such inspections as he deems necessary to assure that floating houses are placed and utilized in accordance with the terms and conditions of this GP.

13. The permittee shall maintain the floating house(s) authorized through this GP process in good condition.

14. That all activities identified and authorized through this GP process shall be consistent with the terms and conditions herein; and that any activities not specifically identified and authorized shall constitute a violation of the terms and conditions of this GP which may result in the modification, suspension or revocation of the GP authorization, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7, and in the legal institutions of such legal proceedings as the United States Government may consider appropriate.

15. That this GP would in no way obviate the need to obtain other permits, licenses or authorizations that may be required for the proposal or related activities.

16. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard [USCG], through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), Seventeen Coast Guard District, Post Office Box 2-5517, Juneau, Alaska 99802-5517; telephone (907) 463-2000

17. The floating house placement is prohibited in sensitive fish, shellfish and wildlife areas. These include, but are not limited to, within 600' of the mouth of any salmon spawning river; near shore areas identified in the State of Alaska's Catalogue of Waters Important to Spawning, Rearing or Migration of Anadromous Fishes; over kelp or eelgrass beds or vegetated shallows; or within one half (.05) mile of seal or sea lion pupping areas.

18. Floating houses shall not be moored within the buffer zones established by the National Marine Fisheries Service to protect the Steller Sea Lion, which has been listed as threatened under the Endangered Species Act. The buffer zones include all waters within three (3) nautical miles of rookeries in the Gulf of Alaska and Aleutian Islands. In addition, floating houses shall not be moored within one half (.05) mile of any Steller Sea Lion haul out or rookery in Alaska

19. No pentachlorophenol preservatives may be used on any wooden structure in marine waters. Any other preservative on wooden structures, including creosote, must be pressure injected.

20. The permittee understands and agrees that, if future operations by the U.S require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

#### LIMITS OF FEDERAL LIABILITY

In issuing this GP process, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or un-permitted activities from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest.
- c. Damages to persons, property or to other permitted or un-permitted activities or structures caused by an activity authorized by this GP.
- d. Design or construction deficiencies associated with the permitted work

#### MONITORING:

Work performed under this GP may be annually reviewed and/or inspected by this office. A report of the results of this review will be prepared and provided to interested parties upon request. If any problems arise from the placement of

floating houses, such as hindrance to navigation, this office will take appropriate remedial action, which may include modification, suspension or revocation of GP authorization, in whole or in part, and/or specific corrective action directed to the permittee.

#### RENEWAL OF GENERAL PERMIT

This GP will be re-evaluated for renewal by this office prior to the end of its five-year term. The decision to renew it will be based on monitoring results and records of floating houses authorized through this GP process.

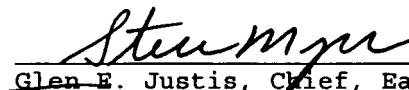
#### ADDITIONAL INFORMATION:

A general permittee may choose to request, in writing, verification that his/her proposed floating house can be authorized through this GP process. The written inquiry must be sent to the Alaska District, Corps of Engineers, Regulatory Branch (see address list below), and must include the following information:

- (1) Name, address and telephone number of the general permittee;
- (2) Identification of the GP which applies;
- (3) Location of the proposed floating house, including a location map;
- (4) Brief description of the proposed floating house and its intended use, including plan and elevation view drawings indicating project relationship to Mean Lower Low Water (MLLW), (see sample drawing attached);
- (5) Copy of the ADGC Coastal Project Questionnaire (and ADNRR tideland lease, if applicable);
- (6) Any other information that the general permittee believes is appropriate.

A complete application packet will expedite processing of your permit

FOR THE DISTRICT ENGINEER:

*for*   
Glen E. Justis, Chief, East Section  
Regulatory Branch  
U.S. Army Corps of Engineers, Alaska District

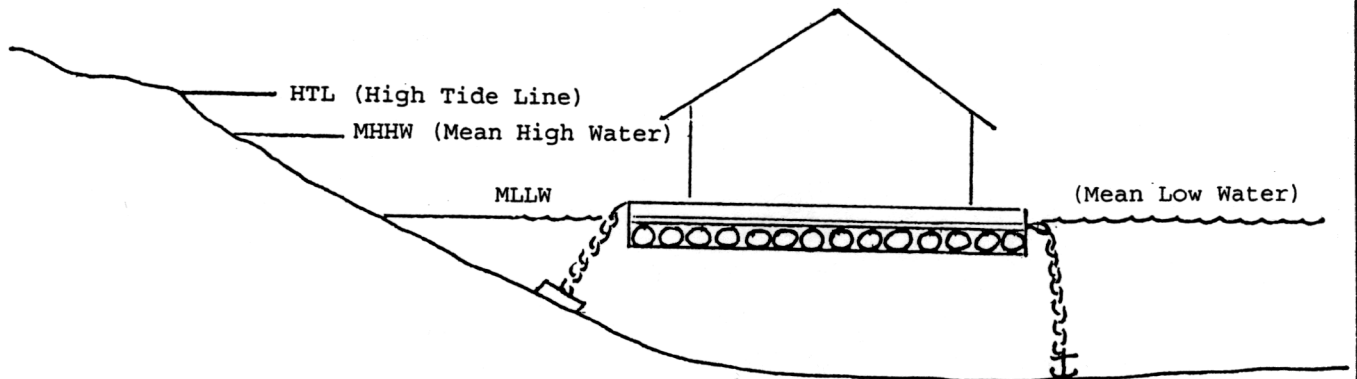
#### Alaska Corps of Engineers Offices:

U.S. Army Corps of Engineers  
Regulatory Branch  
Post Office Box 898  
Anchorage, Alaska 99506-0898

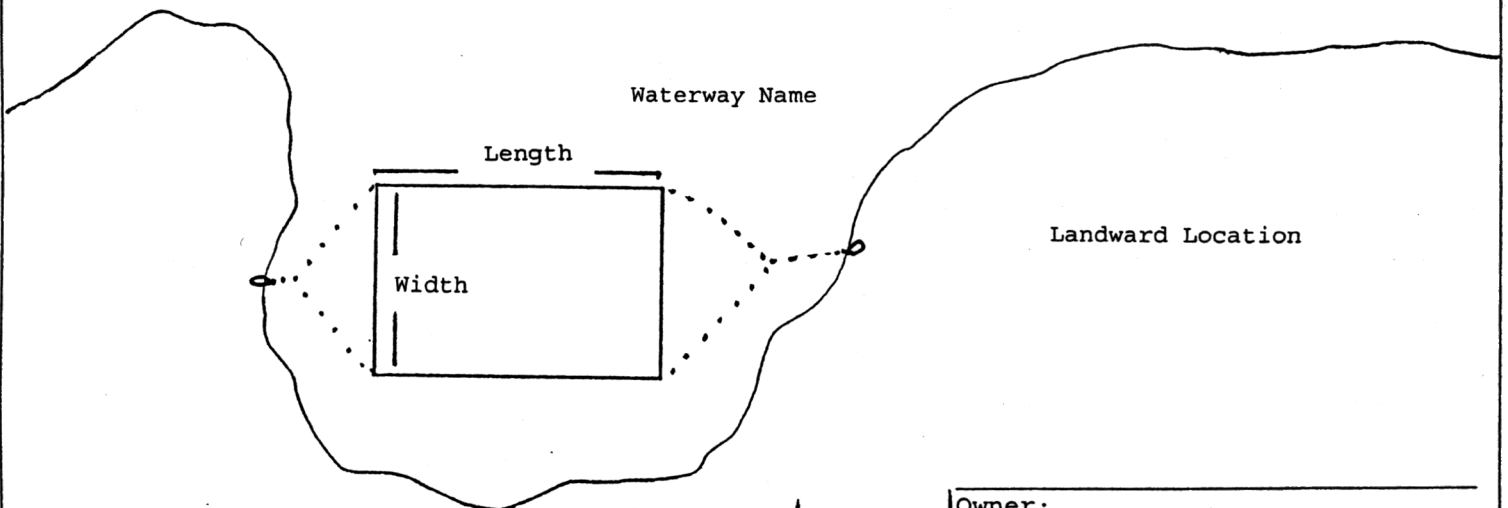
U.S. Army Corps of Engineers  
Regulatory Branch  
Juneau Field Office  
8800 Glacier Highway, Suite 106  
Juneau, Alaska 99801-8079

Vicinity Map

ELEVATION VIEW



SAMPLE



PLAN VIEW

Owner:

Address:

Waterway:

Date:

Sheet of

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## OFFICE OF MANAGEMENT AND BUDGET DIVISION OF GOVERNMENTAL COORDINATION

☐ SOUTHCENTRAL REGIONAL OFFICE  
550 W. 7TH AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501  
PH: (907) 269-7470/FAX: (907) 269-3981

☒ CENTRAL OFFICE  
P.O. BOX 110030  
JUNEAU, ALASKA 99811-0030  
PH: (907) 465-3562/FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE  
411 WEST 4TH AVENUE, SUITE 2C  
ANCHORAGE, ALASKA 99501-2343  
PH: (907) 271-4317/FAX: (907) 272-3829

September 19, 2001

Ms. Susan Hitchcock  
U.S. Army Corps of Engineers (COE)  
Juneau Regulatory Field Office  
8800 Glacier Highway, Suite 106  
Juneau, AK 99801-8079

Dear Mrs. Hitchcock

SUBJECT: COE FLOATHOUSE GP 89-4N Renewal (2001)  
STATE I.D. NO. AK 0108-18J

On August 24, 2001, the Division of Governmental Coordination (DGC) received the complete federal consistency determination and Special Public Notice 2001-10 regarding the reissuance of General Permit 89-4N which you submitted for State of Alaska review and agreement under Section 307(c)(1) of the Federal Coastal Zone Management Act as per 15 CFR 930, Subpart C.

The General Permit (GP) was issued on August 27, 1990 by the COE, which was effective for a period of five years. The State of Alaska found this GP consistent with the ACMP in 1990 (AK 8908-05J). The procedure was acceptable to the State of Alaska primarily because it allowed the State to retain the requirement of individual consistency reviews for floathouses while allowing the COE the flexibility to process floathouses under a GP. The GP was renewed on June 26, 1996 for a period of five years. The State determined at that time that an additional consistency review of the GP was not needed, as the GP proposed no changes. The GP recently expired on June 26, 2001.

DGC convened a meeting with members of the COE, DGC, Dept. of Fish & Game (DFG), Dept. of Environmental Conservation (DEC), and Dept. of Natural Resources (DNR) to discuss the GP and the need to conduct an additional review. Based on the understanding that no changes have been made to the GP, we determined that the proposed renewal does not warrant an additional review for consistency with the ACMP. All stipulations from the previous consistency determination remain in full force and effect.

We also discussed the possibility of a General Permit for Commercial Timber Floating Camps with a representative of Silver Bay Logging Company, along with the other aboves cited participants. This GP would be for timber-related projects that have already been through the

RECEIVED  
SEP 21 2001  
CENPA  
Alaska District Corps of Engineers



National Environmental Policy Act (NEPA) environmental analysis process. DGC would like to continue that discussion with the COE and ACMP participants (DNR, DEC, DFG, and potentially affected Coastal Districts) to evaluate the possibility of developing a new GP for these types of projects. As I recall, there were no objections to exploring this possibility from any of the agencies in attendance.

If changes to the GP are proposed in the future, we request you contact this office immediately to determine if further review and approval of the revised GP is necessary. Thank you for your cooperation with the ACMP. If you have any questions, please contact me at 465-2142 or email me [clancy\\_desmet@gov.state.ak.us](mailto:clancy_desmet@gov.state.ak.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Clancy DeSmet', with a long horizontal flourish extending to the right.

Clancy DeSmet  
Project Review Coordinator

cc: Lorraine Marshall, DGC, Juneau\*  
Randy Bates, DGC, Juneau\*  
Fran Roche, DEC, Juneau\*  
Janet Burleson-Baxter, DNR, Juneau\*  
Janet Schempf, DFG, Juneau\*  
Mark Minnillo, DFG, Craig\*  
Errol Champion, Silver Bay Logging, Juneau\*  
Paul Hunter, NPS, Anchorage\*

\* = Email